

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on February 17, 2017 at 8:00 AM, in Room 137  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Seth Berglee, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Jennifer Eck (D)  
Rep. Bill Harris (R)  
Rep. Ellie Hill Smith (D)  
Rep. Kathy Kelker (D)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Shane A. Morigeau (D)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Matt Regier (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)  
Rep. Kirk Wagoner (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Sara Fleming, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 406, 2/10/2017; HB 426, 2/10/2017; HB 431, 2/10/2017  
Executive Action: HB 404, HB 427, HB 94

**HEARING ON HB 426**

**Opening Statement by Sponsor:**

00:01:29 Rep. Jean Price (D), HD 24, opened the hearing on HB 426, Include prepaid telephone accounts as protected from expiration.

**Proponents' Testimony:**

00:04:53 Randy Knowles, Self  
00:14:55 Julia Shindel, Montana Human Rights Network

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:16:48 Rep. Court  
00:17:24 Randy Knowles, Self  
00:21:13 Rep. Kelker  
00:21:49 Rep. Price  
00:23:08 Rep. Usher  
00:23:25 Rep. Price  
00:24:02 Randy Knowles, Self  
00:26:21 Rep. Usher  
00:26:58 Rep. Price  
00:27:21 Chair Doane  
00:28:07 Rep. Court  
00:29:09 Randy Knowles, Self  
00:30:17 Chair Doane

**Closing by Sponsor:**

00:31:03 Rep. Price

**HEARING ON HB 406**

**Opening Statement by Sponsor:**

00:32:22 Rep. Greg Hertz (R), HD 12, opened the hearing on HB 406, Prohibit former comm. of pol. practices from performing certain work for office.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:35:09 Jonathan Motl, Commissioner of Political Practices Office (COPP)  
[EXHIBIT\(juh35a01\)](#)

00:45:40 Rep. Berglee  
00:45:53 Rep. Eck  
00:46:09 Rep. Court  
00:46:38 Chair Doane

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:51:30 Rep. Sheldon-Galloway  
00:52:20 Jonathan Motl, COPP  
00:52:39 Rep. Kelker  
00:53:02 Rep. Hertz  
00:54:14 Rep. McConnell  
00:54:35 Rep. Hertz

**Closing by Sponsor:**

00:56:41 Rep. Hertz  
  
00:59:02 Recess  
01:08:54 Reconvene

**HEARING ON HB 431****Opening Statement by Sponsor:**

01:09:09 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HB 431, Generally revise criminal law related to juveniles.

[\*\*EXHIBIT\(juh35a02\)\*\*](#)

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:27:44 Beth McLaughlin, Montana Supreme Court

**Informational Testimony:**

01:39:50 Wendy Johnson, Office of the Public Defender

**Questions from Committee Members and Responses:**

01:40:20 Rep. Harris  
01:43:25 Beth McLaughlin, Montana Supreme Court  
01:47:06 Rep. Kelker  
01:47:33 Beth McLaughlin, Montana Supreme Court  
01:51:01 Rep. Bishop  
01:51:51 Beth McLaughlin, Montana Supreme Court  
01:53:22 Rep. Manzella left the meeting  
01:56:38 Rep. Eck left the meeting

**Closing by Sponsor:**

01:57:15 Rep. Hill Smith  
  
02:03:24 Recess  
02:09:33 Reconvene

**EXECUTIVE ACTION ON HB 404**

02:09:41 **Motion:** Rep. Berglee moved that **HB 404 DO PASS.**

**Discussion:**

02:09:54 Helen Thigpen, Legislative Services Division (LSD)

02:10:20 Rep. Kelker

02:11:49 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Manzella voted by proxy.

**EXECUTIVE ACTION ON HB 427**

02:13:11 **Motion:** Rep. Berglee moved that **HB 427 DO PASS.**

**Discussion:**

02:13:17 Helen Thigpen, LSD

02:13:50 **Vote:** Motion carried unanimously by roll call vote. Rep. Eck and Rep. Manzella voted by proxy.

**EXECUTIVE ACTION ON HB 94**

02:14:46 **Motion:** Rep. Berglee moved that **HB 94 DO PASS AS AMENDED.**

02:15:52 **Motion:** Rep. Berglee moved that **HB 94 BE AMENDED.**

[EXHIBIT\(juh35a03\)](#)

**Discussion:**

02:16:05 Chair Doane

02:16:53 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Manzella voted by proxy.

02:17:12 **Motion:** Rep. Berglee moved that **HB 94 DO PASS AS AMENDED.**

**Discussion:**

02:17:19 Rep. Harris

02:17:45 Rep. McConnell

02:18:27 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Manzella voted by proxy.

**Committee Business:**

02:19:02 Chair Doane

02:20:34 Rep. B. Brown

02:21:00 Chair Doane

**ADJOURNMENT**

Adjournment: 02:21:29

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Sara Fleming, Secretary

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Additional Documents:

**EXHIBIT([juh35aad.pdf](#))**